

APPELLANTS' BRIEF ON APPEAL UNDER 37 C.F.R. §41.37
U.S. Application Serial No. 09/879,823
Attorney Docket No. 031792-0311530 (24122-303-408)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**IN RE PATENT
APPLICATION OF:** Craig W. BARNETT *et al.*

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SERIAL NO.: 09/879,823

AUG 29 2005

**ATTORNEY
DOCKET NO.:** 031792-0311530 (24122-303-408)

FILING DATE: June 12, 2001

**BOARD OF PATENT APPEALS
AND INTERFERENCES**

ART UNIT: 3622

EXAMINER: A. DURAN

FOR: METHOD AND SYSTEM FOR ELECTRONIC DISTRIBUTION OF PRODUCT
REDEMPTION COUPONS

**ADDENDUM TO
APPELLANTS' BRIEF ON APPEAL UNDER 37 C.F.R. §41.37**

Via Facsimile: 571-273-0299

Ann: Debra Vega

Mail Stop Appeal Brief - Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA. 22313-1450

Dear Sir:

Further to Appellants' Brief on Appeal filed on February 10, 2005, Appellants submit this Addendum.

Although it is believed that no fees are due in connection with the filing of this Addendum, the Director is authorized to charge any fees that may be due to Deposit Account No. 033975 (Ref. No. 031792-0311530).

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REQUIREMENTS OF 37 C.F.R. §41.37

At page 18 of Appellants' Brief on Appeal as filed on February 10, 2005, please replace the heading entitled "IX. CLAIMS APPENDIX" with the following three headings:

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VIII. Claims Appendix - 37 C.F.R. §41.37(c)(1)(VIII)

The pending claims (claims 47-62) are attached in the Appendix

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IX. EVIDENCE APPENDIX - 37 C.F.R. §41.37(c)(1)(ix)

None.

X. RELATED PROCEEDINGS INDEX - 37 C.F.R. §41.37(c)(1)(x)

Exhibit A: A Memorandum and Order Regarding Patent Claim Construction issued December 16, 2003, as described in the Appeal Brief at pg. 2 under the heading entitled "II. RELATED APPEALS AND INTERFERENCES."

Exhibit B: A Summary Judgment order was issued February 18, 2005, and is included herewith.

'APPELLANTS' BRIEF ON APPEAL UNDER 37 C.F.R. §41.37

U.S. Application Serial No. 09/879,823

Attorney Docket No. 031792-0311530 (24122-303-408)

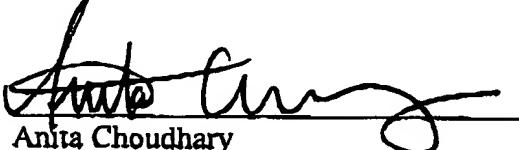
REMARKS

Appellants respectfully submit this Addendum at the request of Debra Vega of the Board of Patent Appeals and Interferences. If any additional information is required, please do not hesitate to contact the undersigned at the number provided.

Date: August 29, 2005

Respectfully submitted,

By:


Anita Choudhary
Registration No. 56,520**Customer No. 00909**

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T-884 P.005/007 F-252

EXHIBIT B

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BOARD OF PATENT APPEALS
AND INTERFERENCES

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
SOUTHERN DIVISION

BLACK DIAMOND CCT HOLDINGS,

LLC, *et al.*,

Plaintiffs,

v.

CIVIL ACTION NO. RDB-02-3701

COUPONS, INC.,

Defendant

ORDER

The parties having filed cross-motions for summary judgment and the Court having conducted a hearing on February 3, 2005, and for the reasons set forth in the foregoing Memorandum Opinion, IT

IS this 18th day of February, 2005 HEREBY ORDERED that:

1. The Motion for Summary Judgment on Patent Infringement of Plaintiff Black Diamond CCT Holdings LLC and E-Centives, Inc. (collectively "Black Diamond") (Paper No. 221) is DENIED;
2. The Motion for Partial Summary Judgment on No Infringement of Defendant Coupons, Inc. ("Coupons") (Paper No. 225) is DENIED;
3. Defendant Coupons' Motion for Summary Judgment on Invalidity (Paper No. 222) is DENIED;
4. Plaintiff Black Diamond's Motion for Summary Judgment on No Invalidity (Paper No. 228) is DENIED; and

5. The Clerk of the Court transmit copies of this Order and accompanying Memorandum
Opinion to counsel for both parties.

/s/

Richard D. Bennett
United States District Judge

Pillsbury
Winthrop
Shaw
Pittman

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Los Angeles Confirm: 703-905-2500 Confirmed By:

New York From: Anita Choudhary Phone No: 703-905-2166

Northern Virginia C/M No: 031792-0311530

Orange County Comments:

Palo Alto Re: U.S. Patent Application No. 09/879,823

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